Appl. No. 09/909,025
Reply to Office Action of May 2, 2006

Docket No. EMC-011PUS

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the amendments set forth above and the below remarks.

Pending claims 47-66 are rejected: claims 47, 56, and 60 are amended; and claim 50, which is incorporated into claim 47, is canceled.

Applicant thanks the Examiner for the courtesy extended to the undersigned during a telephone interview conducted on October 19, 2006. Claims 50 and 65 were discussed. Subject to a further search, it was agreed that incorporation of the subject matter of claim 50 into independent claim 47 would overcome the rejection over Gelb and Collins with some clarification of the claim term "new property." It was further agreed that while the Gelb reference makes reference to a "spindle" as part of the description of Figure 6, this does not teach or suggest "multiple disk spindles" as a "preferred characteristic," as required by claim 65. Multiple disk spindles enable data to be stored in resources while eliminating a potential bottleneck resulting from a single spindle. The Examiner also agreed that in the event an additional search results in newly cited art being used to reject the claims, a non-final Office Action will be issued. The undersigned appreciates the professionalism of the Examiner and believes that the interview was productive in resolving the issues in this case.

The Prior Art Rejections

Claims 47-66 are rejected under 35 U.S.C. §103 over U.S. Patent No. 5,018,060 to Gelb in view of U.S. Patent Publication No. 20020129216 A1 to Collins.

As discussed during the interview, Applicant amends claim 47 to include the subject matter of claim 50 and to clarify the language of claim 50 so that amended claim 47 requires a method of creating a data storage pool comprising "receiving, prior to the step of allocating selected ones of the identified storage resources, a new storage property for the logical expression if a desired storage property is not present in the assigned storage properties." As discussed in

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conjunction with step 22 and 24 of Figure 3 and Figure 4 of Applicant's specification, a new property for a storage resource, such as "only on Tuesday," can be dynamically added during the storage allocation process if the desired property is not present.

As discussed during the interview, paragraph [0030] of Collins discloses manual identification of available storage capacity, however, such identification occurs prior to beginning the storage allocation process.

With regard to claim 65, it is required that "the preferred characteristics include storage resources having multiple disk spindles." As discussed in the interview, while Gelb discloses in col. 17 in the accompanying description of Figure 6, a physical volume can have a spindle. However, Gelb does not teach or suggest "multiple disk spindles" as a "preferred characteristic" which can reduce bottlenecks associated with a single disk spindle.

In view of the above, Applicant submits that claims 47-49, and 51-66 are in condition for allowance and a notice thereof is respectfully requested.

The Examiner is encouraged to contact the undersigned to discuss any matter in furtherance of the present application.

Applicant does not acquiesce to any assertion made by the Examiner that may not be addressed herein.

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The Assistant Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 500845.

Respectfully submitted,

Dated: October 25, 2006

DALY, CROWLEY, MOFFORD & DURKEE, LLP

By:___ /Paul D. Durkee/_____
        Paul D. Durkee
        Reg. No. 41,003
        Attorney for Applicant(s)
        354A Turnpike Street - Suite 301A
        Canton, MA 02021-2714
        Tel.: (781) 401-9988, Ext. 21
        Fax: (781) 401-9966
        pdd@dc-m.com

28920